(3) (3)

BEFORE HON'BLE HIGH-COURT OF CHHATTISGARH

AT

Single Bench

BILASPUR (C.G.)

WRIT PETITION (C) NO. 6915 2006

PETITIONER : SMT. PREMLATA JAIN
Aged about 55 years,
W/o Late Shri Dhanraj Jain,
R/o Ganjpara, Durg (C.G.)

VERSUS

RESPONDENTS :1. NAGRIK SAHAKARI BANK MARYADIT DURG. Niyaji Complex, Hotel New India, Station Road, Durg (C.G.)
Through- Managing Director.
2. M/s RAJESH TRADERS,
Ganjpara, Durg (C.G.)

PETITION UNDER ARTICLES 226(3) 227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (23)

आदेश पत्रक

मामला क्रमांक W.P.(C) No. 6915/06 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20/12/2006

Shri V.G. Tamaskar, counsel for the petitioner.

None for the respondent.

Heard.

Petitioner was served with notice in accordance with Section 13 (2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (henceforth, "the Act"). When the loan was not discharged within prescribed period, the bank initiated measures referred to in sub-section 4 of Section 13 of the Act. Bank's action has been challenged on the ground that petitioner is not answerable to the notice served on her, that apart the steps taken by the respondent are barred by limitation.

Learned counsel for the petitioner placed reliance in the matter of **Surya Dev Rai Vs. Ram Chander Rai and others, reported in (2003) 6 SCC 675** and contended that even alternative forum to petitioner may be available, but a widow cannot be asked to pay secured amount and to approach the Tribunal.

Under Section 17 of the Act, statutory right has been provided to person aggrieved by any of the measures referred to in sub-section (4) of Section 13 of the Act, taken by the secured creditor, therefore, petitioner who has statutory right should approach the Tribunal instead of approaching this Court. The case law referred by the petitioner is distinguishable on the facts of the case.

With the aforesaid observation, this petition is liable to be dismissed summarily and is accordingly dismissed. However, petitioner,

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (24)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

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	if advised, may take appropriate recourse available to him in accordance with law.	**Sd/-** **V.K.Shrivastava** **Judge**

(पीछे देखिये)

23/12/06